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ON PETITION

In re Application of
Robert H. Shelton
Application No. 09/025,279
Filed: February 18, 1998
Attorney Docket No. A39-972-010

This is a decision on the petition under 37 CFR 1.137(b), filed June 15, 1999, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely reply to the Office action mailed June 5, 1998. A Notice of Abandonment was mailed on June 1, 1999.

The statement of unintentional abandonment presented in the petition does not comply with the current rule. Effective December 1, 1997, 37 CFR 1.137(b)(3) requires a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional" be submitted. However, the statement presented will be accepted and construed as meaning that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional." If this is an incorrect interpretation in view of the rules, petitioner is required to provide a statement to that effect.

The Verified Statement Claiming Small Entity Status of June 15, 1999 has been made of record and small entity status has been accorded.

The file is being forwarded to Technology Center 2761.

Telephone inquiries concerning this matter may be directed to Latrice Bond at (703) 308-6911.

Latrice Bond
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Sherry Brinkley
Petitions Examiner